

UNITED STATES DISTRICT COURT
For the
DISTRICT OF RHODE ISLAND

NATIONAL LIABILITY & FIRE INSURANCE
CO. and BOAT OWNERS ASSOCIATION OF
OF THE UNITED STATES
Plaintiffs

V.

NATHAN CARMAN
Defendant.

Civil Action:
No: 17-cv-0038-S-PAS

In Admiralty

DEFENDANT’S LR Cv 44 OBJECTION TO AUTHENTICITY OF PLAINTIFFS’ TRIAL
EXHIBITS No. 32.1, No. 32.2 and No. 32.3

Now comes the Defendant, Nathan Carman, and pursuant to Local Civil Rule LR Cv 44 responds to Plaintiffs' Local Rule Cv 44 Notice requesting that pursuant to F.R.E. 902 (12) and LR Cv 44 that Defendant admit the authenticity of Plaintiffs' Trial Exhibits No. 32.1, No. 32.2 and No. 32.3. Defendant objects to the authenticity¹ of Plaintiffs' Trial Exhibits No. 32.1, No. 32.2 and No. 32.3 as follows:

Trial Exhibit No. 32.1: Defendant objects to the authenticity of Plaintiff's Trial Exhibit No 32.1 on the grounds that Plaintiffs failed to serve Defendant a copy of Plaintiff's Trial Exhibit 32.1 with Plaintiffs' Local Rule Cv 44 Notice "at least 21 days prior to trial" as required by LR Cv 44. Defendant further objects to the authenticity of Plaintiff's trial exhibit No. 32.1 on the grounds that the Plaintiffs have failed to establish the foundation under F.R.E. 902(12) that if the

¹ In accordance with LR Cv 44, this response and these objections are limited to objections to authenticity under F.R.E. Rule 902. Defendant maintains his previously lodged objections to these exhibits on the basis of F.R.Civ.P. 37(c) and reserves the right to object on other grounds if and when the Plaintiff seeks to introduce these exhibits at trial.

certification was falsely made, the signer would be subject to a criminal penalty in the country in which the certification was signed.

Trial Exhibit No. 32.2: Defendant objects to the authenticity of Plaintiff's Trial Exhibit No 32.2 on the grounds that Plaintiffs failed to serve Defendant a copy of Plaintiff's Trial Exhibit 32.2 with Plaintiffs' Local Rule Cv 44 Notice "at least 21 days prior to trial" as required by LR Cv 44. Defendant further objects to the authenticity of Plaintiff's trial exhibit No. 32.2 on the grounds that the Plaintiffs have failed to establish the foundation under F.R.E. 902(12) that if the certification was falsely made, the signer would be subject to a criminal penalty in the country in which the certification was signed.

Trial Exhibit No. 32.3: Defendant objects to the authenticity of Plaintiff's Trial Exhibit No 32.3 on the grounds that Plaintiffs failed to serve Defendant a copy of Plaintiff's Trial Exhibit 32.3 with Plaintiffs' Local Rule Cv 44 Notice "at least 21 days prior to trial" as required by LR Cv 44. Defendant further objects to the authenticity of Plaintiff's trial exhibit No. 32.3 on the grounds that the Plaintiffs have failed to establish the foundation under F.R.E. 902(12) that if the certification was falsely made, the signer would be subject to a criminal penalty in the country in which the certification was signed. Defendant further objects to the authenticity of Plaintiffs' trial Exhibit No. 32.3 on the grounds that Plaintiffs failed to give reasonable notice of their intent to offer the full-size original chart and failed to make the full-size chart and the certification available for inspection so that the Defendant had a fair opportunity to challenge them as required by F.R.E. 902(11) as incorporated by reference in F.R.E. 902(12).

Respectfully Submitted
On behalf of the Defendant,
Nathan Carman

/s/ David F. Anderson
David F. Anderson
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Dated: August 5, 2019

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on the above date, I electronically filed the above pleading with the Clerk of the Court using CM/ECF system which will send notification of such filing(s) to all counsel of record for all parties.

/s/David F. Anderson
David F. Anderson